

EXHIBIT 34

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

- - - - - x
MARYLAND SHALL ISSUE, INC., :
et al., :
Plaintiffs, :
v. : Civil Case No.
LAWRENCE HOGAN, et al., : 16-cv-3311-MJG
Defendants. :

- - - - - x

Deposition of CARLISLE EATON MOODY, JR.
Washington, D.C.
Wednesday, May 9, 2018
10:09 a.m.

Job No.: 188208
Pages: 1 - 62
Reported by: Karen Young

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

29

1 A I can't remember. I presume so, but I --

2 Q All right.

3 A It's been a while.

4 Q Are you aware of any updated data for the
5 period -- from September 2015 to the present on
6 that point?

7 A No.

8 Q And what is the source for the data you
9 use in your analysis of the firearm homicide rate
10 in your report?

11 A The CDC. I use the WONDER, CDC WONDER
12 database, interactive.

13 Q Center -- what does CDC stand for?

14 A Center for Disease Control.

15 Q And this is publicly available?

16 A Yes, it's on line.

17 Q And you believe it's reliable?

18 A Yes.

19 Q Why?

20 A Because it's official.

21 Q Any other reasons?

22 A No. Well, no. That's why.

Transcript of Carlisle E. Moody, Jr.
Conducted on May 9, 2018

30

1 Q You also note on page 3 of your report
2 that the firearm homicide data upon which you base
3 your study includes justifiable homicides, which
4 are not crimes, correct?

5 A Yes.

6 Q Is that a yes?

7 A Yes.

8 Q All right. How many of the firearm
9 homicides in 2010 in Maryland were justifiable?

10 A There's no way to know that I don't
11 believe.

12 Q So you don't know.

13 A No.

14 Q And is that also true for 2011?

15 A Yes.

16 Q 2012?

17 A Yes.

18 Q 2013?

19 A Yes.

20 Q 2014?

21 A Yes.

22 Q 2015?

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

31

1 A Yes.

2 Q 2016?

3 A Yes.

4 Q Does the firearm homicide data upon which
5 you base your report include homicides committed
6 with long guns?

7 A Yes.

8 Q How many of the firearm homicides in
9 Maryland in 2010 were committed with long guns?

10 A I don't know. I just use the total.

11 Q Do you know how many of the firearm
12 homicides in Maryland in 2011 were committed with
13 long guns?

14 A No.

15 Q 2012?

16 A No.

17 Q '13?

18 A No.

19 Q '14?

20 A No.

21 Q '15?

22 A No.

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

32

1 Q '16?

2 A No.

3 Q Does the firearm homicide data upon which
4 you base your study include homicides in the entire
5 state of Maryland?

6 A Yes.

7 Q Do you know what percentage of those
8 firearm homicides in 2010 occurred in Baltimore
9 City as opposed to the rest of the state?

10 A No.

11 Q Do you know what percentage of the
12 homicide -- firearm homicides in your study in 2011
13 occurred in Baltimore City as opposed to some other
14 part of the state?

15 A No.

16 Q 2012?

17 A No.

18 Q '13?

19 A No.

20 Q '14?

21 A No.

22 Q '15?

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

33

1 A No.

2 Q '16?

3 A No.

4 Q Are you familiar with the term
5 "historical confounder"?

6 A No.

7 Q Okay. Are you familiar with the events
8 involving Freddie Gray?

9 A Not very.

10 Q What do you know?

11 A I believe Freddie Gray was a suspect in a
12 crime, arrested, put in the back of a police
13 vehicle, from which his body was recovered.

14 Q And what's your understanding of when
15 that took place?

16 A I do not know the exact date.

17 Q Do you know the year?

18 A Not -- 2015 I think, but I don't -- I'm
19 not positive.

20 Q Are you aware of the civil unrest that
21 occurred in the wake of Freddie Gray's death in
22 Baltimore?

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

34

1 A It was on the news, yes.

2 Q And what is your understanding of what
3 took place?

4 A There were riots.

5 Q And what's your source for that
6 information? Just the news media?

7 A Yes.

8 Q Anything else?

9 A No.

10 Q Have you done any research into the
11 unrest that followed Freddie Gray's death?

12 A No.

13 Q Are you aware of any empirical facts or
14 data that show whether the number of firearm
15 homicides increased in Baltimore as the result of
16 the events that unfolded in the wake of Freddie
17 Gray's death?

18 A Read that back to me please.

19 THE REPORTER: Question: "Are you aware
20 of any empirical facts or data that show whether
21 the number of firearm homicides increased in
22 Baltimore as the result of the events that unfolded

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

35

1 in the wake of Freddie Gray's death?"

2 THE WITNESS: No.

3 MR. SWEENEY: Objection.

4 BY MR. SCOTT:

5 Q Did you make any attempt in your analysis
6 for this case to account for the impact of the --
7 of the unrest that followed Freddie Gray's death on
8 the number of firearm homicides in Maryland?

9 MR. SWEENEY: Objection.

10 A I attempted to control for the increase
11 in firearms death that occurred nationwide as a
12 result of the Ferguson effect, occurred a year
13 earlier, and I presume that that was sufficient to
14 control for the Freddie Gray incident, which
15 occurred later.

16 Q So other than the attempt that you made
17 to account for the Ferguson effect, you didn't do
18 anything else to account for the events that
19 occurred in the wake of Freddie Gray's death in
20 Baltimore; is that correct?

21 A Correct.

22 Q You just referred to the Ferguson effect.

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

36

1 What is that?

2 A The Ferguson, Missouri incident with the
3 -- at the start of the Black Lives Matter movement.

4 Q And what is the effect? What's the
5 phenomenon?

6 A The effect was a stepping back -- you
7 know, a number of police killings, killings of
8 suspects, for example, that was one that caught
9 people's attention and caused both an increase in
10 the number of ambush killings of policemen, and
11 presumably some decline in the enthusiasm with
12 which policemen do their job.

13 Q You -- you brought us a copy of the
14 Wikipedia page for the Ferguson effect, which I'll
15 have that marked please.

16 (Deposition Exhibit Number 112 was marked
17 for identification.)

18 BY MR. SCOTT:

19 Q This is Exhibit 112, and I believe you
20 cite to that in your report, correct?

21 A Uh-huh, correct.

22 Q All right. Did you read -- did you read

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

37

1 any of the sources that are cited in that Wikipedia
2 article?

3 A Not that I remember.

4 Q Have you ever relied on Wikipedia in any
5 of your published articles?

6 A No.

7 Q Do you know who authored this Wikipedia
8 article?

9 A No.

10 Q Do you know the last date on which it was
11 updated?

12 A No.

13 Q Did you make any attempt to determine
14 whether that Wikipedia page accurately described
15 what the Ferguson effect is?

16 A Please read it back to me.

17 THE REPORTER: Question: "Did you make
18 any attempt to determine whether that Wikipedia
19 page accurately described what the Ferguson effect
20 is?"

21 A No, I assumed it accurate -- it
22 accurately described it.

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

38

1 Q Are you aware of any empirical facts or
2 data that show whether the number of firearm
3 homicides increased in Maryland as a result of the
4 Ferguson effect?

5 A I do not know -- I know -- I cannot
6 attribute it to the Ferguson effect. That was just
7 a -- I don't know what the word is. Hunch on my
8 part.

9 Q And what was your hunch?

10 A My hunch was that since firearm homicides
11 -- homicides in general are going up, after going
12 -- in the last two or three years, after going down
13 for many years, had something to do with police
14 killings and Black Lives Matter and the response.

15 Q But as far as empirical facts or data
16 that show whether the number of firearm homicides
17 increased in Maryland as a result of the Ferguson
18 effect, you don't -- you're not able to identify
19 any.

20 A Correct, cannot identify that.

21 Q On page 8 of your report, you cite to a
22 number of states that adopted permit to purchase

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

53

1 MR. SWEENEY: Objection.

2 A Yes, I agree to that.

3 Q You mentioned earlier when we were
4 talking about the Freddie Gray situation, that you
5 had made an attempt to account in your analysis for
6 this case for the Ferguson effect?

7 A Correct.

8 Q Can you tell me how you did that?

9 A I looked at data outside of Maryland.

10 Q And how did you -- what data did you look
11 at?

12 A All of the states outside of Maryland.

13 Q And how did you incorporate that data
14 into your analysis?

15 A I believe it's on figure 2. Those are
16 firearm homicide rates -- no, no, no, figure 2 on
17 page 4.

18 Q Oh, I'm sorry. You have table 2 and
19 figure 2.

20 A Yeah, I do, I have, I have.

21 Q Trying to trick us up. Okay.

22 A Yeah.

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

54

1 Q Page 4, figure 2. So this is national
2 firearm homicide rates.

3 A Correct.

4 Q And according to this chart, they ticked
5 up it looks like approximately 2014, 2013?

6 A 2013 is the vertical line.

7 Q Okay, got you.

8 A So yeah, a little after that.

9 Q So -- and how did this data -- how did
10 you account for this trend in the conclusions that
11 you reach with respect to firearm homicides in
12 Maryland?

13 A I compared it using a number of
14 techniques, difference and differences, synthetic
15 controls, just looking at means across different
16 states.

17 Q And what is the significance of the
18 up-tick in firearm homicide rates reflected on
19 figure 2 in your report?

20 MR. SWEENEY: Objection.

21 A Well, the theory is if you look at
22 Maryland by itself before and after 2013, the

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

55

1 firearm homicide rate was higher than it was before
2 -- just before 2013, and so did that fact mean that
3 the HQL law failed and in fact, wound up with more
4 homicides than there was before the law, and if you
5 look at the data for all the U.S., you find that
6 indeed, firearm homicide rates are up everywhere,
7 and so that would mean that we need to look at what
8 would have happened in Maryland controlling for the
9 fact that firearm homicide rates are up everywhere.

10 Q And did you attempt to do that?

11 A Yes, I did.

12 Q And you did that through the synthetic
13 firearm homicide rates that you came up for for
14 Maryland?

15 A That, and if you notice just before that,
16 I compared the firearm -- on page 5 in the second
17 paragraph, I just compared the percent change in
18 the homicide rate after 2013 for Maryland and for
19 states that did not have permit to purchase laws,
20 and found that the growth rate for Maryland was
21 about twice as high as those states.

22 Q And did you identify the states in your

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

56

1 report that you considered to be non-permit states?

2 A Well, in the -- in the -- there were --
3 all the states other than the states that have had
4 it for a long time, if you look -- if you look on
5 page 5, first paragraph under synthetic controls
6 method, they have the six states that changed the
7 permit law and then one, two, three, four, five,
8 six, seven, eight -- one, two, three, four, five,
9 six, seven, eight -- eight law -- eight states that
10 have had permit laws since before 1970, so they did
11 not change the law. They can't be -- no way to
12 compare Maryland to those states, but nevertheless,
13 those are the states that had the law. All the
14 other ones do not have the law.

15 Q So you say here you've got 30 states that
16 you use as the donor pool of control states.

17 A Yes, so they also include the -- the
18 states Maine, New Hampshire, North Dakota, South
19 Dakota, Vermont and Wyoming, which have missing
20 data in the CDC WONDER database, so that gives you
21 a grand total of 20 states.

22 Q Did you do any analysis of firearm

Transcript of Carlisle E. Moody, Jr.

Conducted on May 9, 2018

57

1 homicide rates in urban areas where there have been
2 publicized police killings of suspects during the
3 study period?

4 A No.

5 Q Do you know Professor Kleck?

6 A By reputation.

7 Q Have you ever met him?

8 A He once reviewed a paper that I submitted
9 at a conference, and so he was the referee after --
10 after I gave my paper, he gave his.

11 Q Which paper was that?

12 A Oh, I can't remember. None of these.

13 Q Well, what about on your -- is it listed
14 on your C.V.?

15 A Yes, but not -- it's not a refereed
16 publication.

17 Q Okay, I thought you said that he refereed
18 it for you.

19 A Well, what happens in these conferences
20 is that I give a paper, and then somebody comments
21 on that paper. That's what I meant by refereeing,
22 so he commented on my paper. That's --